

APR 11 2007

REMARKS

By the foregoing amendment, the only amendment to the presentation of the claims has been deletion of the obviously inadvertent reference to cancellation of the second occurrence of claim 91. Claim 91 was amended in Amendment C and is presented in Amendment C and is presented in full form with the amendments indicated in the usual fashion. The statement following the amended claim 91, "91. (canceled)" has been lined through to indicate its deletion. As stated in the REMARKS of Amendment C: "Independent claims 91-93, 97-99, 102, 103, 105, 108-110 and 114-116 and 124 remain at issue."

Claim 91, as presented in Amendment C but without the amendments indicated, reads as follows:

"91. In a food processing apparatus for performing a plurality of processes on a food ingredient, the improvement being a directive manual control system, comprising:

a plurality of hidden function selection switches associated with a plurality of different operator selectable food processing functions;

a housing with a partially translucent, protective, operator control panel having an interior side covering the plurality of switches and through which the hidden function switches cannot be seen under ordinary ambient light conditions, and an exterior side for manual engagement by an operator;

a plurality of lights each associated with at least one of each of the hidden function switches and located at the interior side of the panel;

a controller with means inaccessible by an operator for selecting ones of the hidden function switches to be revealed to an operator in accordance with a computer program stored in the controller;
and

means for energizing only the lights associated with the hidden function selection switches selected to be revealed to illuminate portions of the interior side partially translucent panel adjacent the selected function switches, said illumination of the interior side of the panel being visible through the translucent panel to indicate at the exterior of the panel the location of the selected one of the function switches."

Due to the confusion caused by the erroneous and extraneous indication of claim 91 being canceled, claims 92, 93, 108, 114 and 122 were objected to on the grounds that they depend from an canceled claim 91. In light of the elimination of this confusion and the continuing presence of claim 91, it is respectfully requested that this objection be withdrawn and claims 91, 92, 93, 108, 114 and 122 now be allowed.

Likewise, although in Amendment C, claim 26 was inadvertently indicated in parenthetical to be canceled, it was clear from the interlineations and indicated deletions shown in the reproduction of claim 26 from Amendment C, below, that the claim was not intended to be canceled but, instead, was being amended. Moreover, a further indication that claim 26 was not intended to be canceled is that in the REMARKS to Amendment C there is an indication that claim 27 and other claims have been canceled but there is no such indication of cancellation with respect to Claim 26. Also, it is requested that reconsideration be given to claim 26 in the REMARKS of Amendment C, as follows:

"Reconsideration of the rejection of independent claim 1 and claims 2-25, 106, 112 dependent thereon; independent claim 26 and claims 27-45, 107, 113 dependent thereon; independent claim 91 and claims 122, 92 and 93, 108, 114; and independent claim 97 and claims 98, 99, 109, 115 dependent thereon under 25 USC 102(e) over Butler et al. is respectfully requested in light of the above amendments to the claims and for the following reasons".

Claim 26 was presented in Amendment C, as follows:

*"26. (Canceled) In a beverage brewer, having a source of hot water, a brew basket for holding beverage ingredient to be brewed, a controllable valve system for delivering hot water from the source of hot water to the brew basket, the improvement being a control system comprising:
an operator control panel with a plurality of hidden function selection switches respectively associated with a plurality of different operator selectable brewer functions; means inaccessible by an operator for preselecting at least one of a plurality of different phases of operation; and
a controller with means for selectively revealing only selected ones of the hidden function selection switches to an operator in accordance with the at least one of the plurality of different phases of operation that has been preselected; and
means for controlling the controllable valve system to perform one of the selectable brewer functions directly in response to actuation of the associated function election switch that has been revealed."*

It is therefore respectfully requested that the holding that Claim 26 was canceled be withdrawn and that claims 26 be considered as presented with the amendments made thereto in Amendment C and as shown above as being previously presented with further indication of these amendments. Accordingly, it is also respectfully requested that the objection to claim 113 for depending from a canceled claim be withdrawn.

Allowance of all claims objected for depending from canceled claims is requested for reasons previously presented and for the same reasons other claims with similar limitations have been allowed.

Reconsideration of the rejection of independent claim 102 and claims 103, 105 and 124 dependent on claim 102 under 35 U.S.C. 102(b) as being anticipated by Warne is requested in light of the amendment to independent claim 102. Claim 102 now claims the food processing apparatus when being operated demonstration one of a plurality of different modes. Contrary to the assertion made in support of the rejection, in fact, Warne has no demonstration mode. The word demonstration or the phrase demonstration mode cannot be found in Warne, and the examiner has failed to cite any location in the specification of Warne at which a demonstration mode is revealed or suggested. Accordingly, Warne provide no proper basis for the rejection of claim 102 and this rejection should be withdrawn. Claims 103, 105 and 124 should also be allowed because they depend from an allowable claim.

Reconsideration and allowance of all claims at issue is therefore respectfully solicited.

Respectfully submitted,



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CERTIFICATE OF TRANSMISSION BY FACSIMILE (37CFR1.8)

I hereby certify that this Amendment D(20-pages) and Combined Amendment Transmittal and Petition for Extension of Time(2-pages) and facsimile transmittal(1-page) are being facsimile transmitted to the United States Patent and Trademark Office fax number 571-273-8300 this 11th day of April, 2007


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